

NSW Coroners Court

A guide to services



About this brochure

We understand that you are likely to deal with the Coroner's Court during a time of great sorrow and distress.

This brochure aims to help you by answering common questions about the coronial process.

Please do not hesitate to contact us if you have any queries or need assistance.

For information on interpreters please see the inside back cover.



For assistance, call:

Sydney Coroner's Court (02) 8584 7777
For rural enquiries, contact your Local Court.
Counselling and Support Glebe

(02) 8584 7800

Counselling and Support Newcastle
(02) 4922 3700

Legal Aid Coronial Unit (02) 9219 5156

Further details are provided at the back of this brochure.

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About the NSW Coroner's Court

Coroners are situated in Local Courts around New South Wales. They inquire into the circumstances surrounding reported deaths in NSW, and determine the cause of death. A Coroner also has jurisdiction to inquire into fires and explosions where property has been destroyed or damaged, or where people have been injured.

The Coroner will:

- determine the identity of the deceased
- inquire into the date, place, cause and manner of death
- protect lives and wellbeing by bringing to the notice of relevant authorities any practices, policies or laws which could be changed to prevent similar deaths in the future.

The State Coroner oversees and co-ordinates coronial services in NSW, and is assisted by the Deputy State Coroners. The State Coroner and Deputy State Coroners are all Magistrates.

A death must be reported to the Coroner if:

- a person has died a violent or unnatural death, or has died suddenly and the cause is unknown
- a medical practitioner has not issued a certificate stating the cause of death
- the deceased person was not attended by a medical practitioner within six months before death
- a person died in circumstances where the person's death was not the reasonably expected outcome of a health related procedure carried out in relation to the person
- a person has died while being provided with care, treatment or assistance while in (or temporarily absent from) certain establishments such as a hospital, residential centre, welfare facility or residential child care centre; or
- a person has died in police custody or while in (or temporarily absent from) a prison or detention centre. The State Coroner or Deputy State Coroners **must** conduct an inquest where there is a death in custody or during a police operation.

Qualified counsellors are available to assist relatives and friends of the deceased person. They provide information, support and counselling, and are located at the NSW Department of Forensic Medicine at Glebe.

If you live outside Sydney you may be able to obtain counselling through your local Community Health Service. You can obtain information about services available in your local area, from the Coroner's office. If no counsellor is available in your area, counsellors from Glebe will assist you.



For counselling assistance:

Phone (02) 8584 7800

www.cs.nsw.gov.au/CSAHS/forensic
Community Health Services are listed in Yellow Pages under "c".

About the Post Mortem (autopsy)

What is a post mortem examination?

A post mortem examination (or autopsy) is a detailed examination of the body, by a specially trained doctor. It ensures the Coroner is able to deliver a balanced and accurate finding as to the cause of death.

During a post mortem, all parts of the body are inspected to determine the presence and extent of any disease or damage. This requires some organs to be removed from the body and examined.

What is organ retention?

In some cases, the Coroner decides that organs should be kept for a more thorough examination to detect finer details of disease or damage. This is common with parts of the nervous system, such as the brain.

In some cases, organs and partial organs may need to be kept for several months.

Can I try to stop a post mortem?

The senior next of kin has the right to lodge a written objection to a post mortem, setting out their reasons. This objection should be made immediately so the post mortem can be delayed while the objection is being considered.

If the Coroner decides that the post mortem should take place, a notice will be sent explaining that you have **48 hours** to apply to the Supreme Court, to seek an order to prevent the post mortem. You may need legal assistance to make a Supreme Court

application. If you decide not to proceed to the Supreme Court, inform the Coroner's office immediately so that there will be no undue delay in releasing the body for burial.

Can I object to an organ/s being retained?

The senior next of kin has the right to lodge a written objection to the Coroner objecting to an organ or organs being retained. The objection should set out the reasons and should be made immediately upon being advised that an organ is being retained.

If the Coroner does decide that the organ should be retained the senior next of kin will be advised and a notice sent explaining that you have 48 hours to apply to the Supreme Court to seek an order preventing the retention.

Can I get a copy of the post mortem report?

Yes. A copy of the post mortem report can be sent to the next of kin or to anyone who, in the opinion of the Coroner, has sufficient interest in the cause of death. You will need to send a written request with the name and details of the deceased, and stating your relationship to them.

For any questions on post mortems or organ retention, contact a Coronial Information and Support Officer on (02) 8584 7777.

About the inquest

What is an inquest?

An inquest is a court hearing where a Coroner considers information to help determine the manner and cause of death. At this hearing, the Coroner may call witnesses to give evidence about their knowledge of the death.

Any person who, in the opinion of the Coroner, has a sufficient interest in the inquest, may apply in writing for permission to appear (or to be legally represented) at the inquest. This person may ask relevant questions of any witnesses.

Inquests are generally open to public viewing, except for certain situations when the Coroner can exclude individuals or the public from attending.

Will an inquest definitely be held?

No, a large proportion of reported deaths do not result in an inquest. The Coroner can decide a formal inquest is not necessary, if they are satisfied that there are no outstanding issues from the available evidence.

If the person died while in custody, while escaping or while attempting to escape from custody, an inquest **must** be held by the State Coroner or one of the Deputy State Coroners.

Can I ask for an inquest to be held?

A relative (or person whom the Coroner determines has a sufficient interest) can request that an inquest be held. The written request must clearly state the reasons for the request. The Coroner will consider those reasons when deciding whether or not to hold an inquest.

If the Coroner decides **not** to hold an inquest, the next of kin will be notified. The Coroner can provide in writing the reasons why an inquest will not be held.

Will I be required as a witness at the inquest?

Probably not, however it may be necessary for you or another family member to make a statement to police about your knowledge of the circumstances of the death. A police officer will usually make an appointment with you to take your statement.

The Coroner will read your statement and decide whether it is necessary for you to attend to give further evidence at the inquest. If so, you will be notified by the Coroner.



Will I be told in advance about the inquest?

The Coroner will advise the senior next of kin about the time and place of an inquest. Any person who has been given approval by the Coroner to appear will also be notified.

After the inquest is completed, a copy of the Coroner's findings will be available to the senior next of kin.

Do I have to be represented by a solicitor at the inquest?

This is not usually necessary, but some people choose to have a lawyer. If you wish, the legal officer assisting the Coroner can help you by asking questions on your behalf.



When can I make funeral arrangements?

You can proceed with funeral arrangements, even if a post mortem is to be conducted.

A funeral director normally acts on behalf of the family and will liaise with the Coroner's office regarding when the body will be released.

The body cannot be released until the initial post mortem is completed. In some situations, delays may occur because:

- further medical tests are required
- the body needs to be transported to the Sydney metropolitan area for a specialist post mortem
- problems arise in confirming the identity of the deceased person.

Can I see the body?

General viewing of the body by family or friends should be organised through your funeral director **after** the post mortem. In special circumstances, viewing may be arranged before the post mortem process.

However, where an infectious disease is present, health regulations may mean family or friends are not permitted to view the body after the post mortem.

For enquiries regarding viewings contact Counselling & Support Services.

How can I get organs and tissues returned?

There are a number of options available to you regarding return or disposal of organs and tissue. A Coronial Information and Support Officer can explain the options.

If no request is made by the next of kin within twelve (12) months from the date of post mortem, retained tissue and organs are cremated.

Can I have the body transported overseas?

If the body needs to be transported to another country, you should arrange with a funeral director to prepare the body and the necessary documentation.

What if I am not satisfied with some part of the coronial process?

If you are not satisfied with the investigation, inquest or any other matter, you should raise your concerns in writing, to the Registrar of the Coroner's Court.

It is part of the Coroner's role to ensure that all relevant aspects of a matter are investigated and he or she will listen to any concerns that you may have.

If you feel your concerns have still not been addressed, you should then write to the State Coroner.

How do I obtain a copy of the death certificate?

All deaths are registered with the NSW Registry of Births, Deaths & Marriages (BD&M) by a funeral director. The Coroner will advise BD&M of the cause of death.

You will need to apply to BD&M for a copy of the death certificate. A fee is payable for a copy of the death certificate.

If the death occurred in a rural area, your Local Court can give you information about obtaining a certificate.

In some cases it is not possible for the Coroner to advise BD&M of the cause of death when it is registered. In this case, a death certificate can be obtained but the cause of death will not be shown.

You will be advised when BD&M has been informed of the cause of death, and when the inquest has been finalised.

For assistance with the death certificate:

NSW Registry of Births, Deaths & Marriages

35 Regent St CHIPPENDALE

NSW 2008

Phone: 1300 655 236

Web: www.bdm.nsw.gov.au

When is a missing person's case referred to the Coroner?

The Police Officer in charge of a missing person investigation must report the matter to the Coroner, as soon as they are satisfied that no further enquiries can be made as to whether a missing person is alive or deceased.

This can be challenging for families of the missing person to accept, particularly when they may still be hopeful of a positive outcome.

If the Coroner believes that the missing person is deceased, they will direct police to conduct a thorough investigation. The Coroner can also hold an inquest to establish the circumstances surrounding the suspected death.

You should keep in contact with the investigating police, who can provide updated information on the status of the investigation.



For support please contact the Families and Friends of Missing Persons Unit on 1800 227 772.

English

For an interpreter please phone the Translating and Interpreting Service (TIS) on 131 450 and ask them to contact us on (02) 8688 7777 for help. TIS is open seven days a week, 24 hours a day.

Arabic/العربية

إذا احتجت لمترجم شفوي فالرجاء الإتصال بـ (خدمة الترجمة الكتابية والشفوية) Translating and Interpreting Service – TIS على هاتف رقم 131 450 ثم اطلب منهم الإتصال بنا على هاتف رقم 8688 7777 (02) لتقديم المساعدة. TIS متوفرة سبعة أيام في الأسبوع وعلى مدار 24 ساعة في اليوم.

Greek/Ελληνικά

Για διερμηνέα, παρακαλούμε καλέστε την Translating and Interpreting Service (Υπηρεσία Μετάφρασης και Διερμηνείας) (TIS) στο 131450 και ζητήστε τους να επικοινωνήσουν μαζί μας στο (02) 8688 7777 για βοήθεια. Η TIS είναι ανοιχτή επτά ημέρες την εβδομάδα, 24 ώρες το 24 ωρο.

Indonesian/Bahasa Indonesia

Untuk mendapatkan juru bahasa, silakan hubungi the Translating and Interpreting Service (TIS) (Jasa Penerjemahan Tertulis dan Penerjemahan Lisan) di nomor telepon 131450 dan minta mereka menghubungi kami di nomor telepon (02) 8688 7777 untuk mendapatkan bantuan. TIS buka tujuh hari seminggu, 24 jam sehari.

Korean/한국어

통역사가 필요하시면 Translating and Interpreting Service (TIS) (한국어 번역 및 통역 서비스) 131 450으로 전화해서 (02) 8688 7777번으로 저희와 전화 연결을 요청하십시오. TIS는 일일 24시간, 1주일 7일간 이용가능합니다.

Spanish/Español

Para un intérprete, sírvase telefonar a Translating and Interpreting Service (TIS) (Servicio de Traducción e Interpretación) al 131450 y solicitar que se comuniquen con nosotros al (02) 8688 7777 por ayuda. TIS está abierto siete días de la semana, 24 horas al día.

Vietnamese/Tiếng Việt

Để tìm một thông dịch viên, xin điện thoại tới Translating and Interpreting Service (TIS) (Dịch Vụ Thông - Biên Dịch) tại số 131450 và yêu cầu họ liên hệ với chúng tôi theo số (02) 8688 7777 để được giúp đỡ. TIS làm việc bảy ngày một tuần, 24 giờ một ngày.

Contact Us

Sydney Coroner's Court

44-46 Parramatta Road, Glebe 2037

PO Box 309 Camperdown BC 1450

Phone: (02) 8584 7777

Web: www.lawlink.nsw.gov.au/coroners

Email: local_court_glebe@agd.nsw.gov.au

Coronial Information & Support (CISP)

Phone: (02) 8584 7777

Department of Forensic Medicine

50 Parramatta Road, Glebe 2037

Phone: (02) 8584 7800

Counselling Services

Department of Forensic Medicine

Phone: (02) 8584 7800

www.cs.nsw.gov.au/CSAHS/forensic

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